IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 1399 of 2005

Between:

K. Durgaiah S/o K. Denaiah
Retired Railway Employee, Manoharabad, Toopran Mandalam, Medak District.

..... PETITIONER

AND

1 The Union of India, rep by General Manager South Central Railway, Secunderabad.
2 The Divisional Railway Manager, South Central Railway, BG/S.C., Railwaynilayam, Secunderabad.
3 The Financial Advisor & Chief Accounts Officer, South Central Railway, Secunderabad
4 The Chief Personnel Officer, S.C. Railway, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or Writ more particularly one in the nature of Writ of Certiorari calling for the entire records relating to the service of the petitioner and consequently direct the respondents to release terminal benefits i.e., gratuity G.P.F. and pensionary benefits of the petitioner by set aside the orders of the Central Administrative Tribunal, Hyderabad passed in O.A. 897/2001 dated 12-8-2002 and to pass such other order or orders.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondents: MR.R.S.MURTHY

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed against the order, dated 12.08.2002, passed by the Central Administrative Tribunal, Hyderabad, in O.A.No.897 of 2001.

2. The petitioner was terminated from service on 06.06.1986. He filed O.A. in the year 2001 seeking direction to the respondents for payment of pension. The Tribunal, after going into the merits of the case, dismissed the O.A. on the ground that the petitioner is not entitled for pension. Aggrieved by the said order, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the order of the Tribunal is not sustainable, inasmuch as, the petitioner is entitled for pension taking into consideration the earlier service rendered by him.

4. We are afraid we cannot accept the contention raised by the learned counsel.

5. In fact, the Tribunal ought to have dismissed the O.A. on the ground of laches, but even on merits, the petitioner has not been able to keep any case.

6. Under those circumstances, we do not find any merits in the Writ Petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed at the stage of admission. No costs.

G. BIKSHAPATHY, J.

P.S. NARAYANA, J.

Date: 02.02.2005

ES

To

1 The General Manager, Union of India, South Central Railway, Secunderabad.
2 The Divisional Railway Manager, South Central Railway, BG/S.C., Railwaynilayam, Secunderabad.
3 The Financial Advisor & Chief Accounts Officer, South Central Railway, Secunderabad
4 The Chief Personnel Officer, S.C. Railway, Secunderabad.

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